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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,670	10/19/2005	Harri Kiljander	4208-4252	6528
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EXAMINER				
BELOUSOV, ANDREY				
ART UNIT		PAPER NUMBER		
2174				
NOTIFICATION DATE		DELIVERY MODE		
07/10/2009		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptopatentcommunication@lockelord.com

Office Action Summary

Application No.

10/534,670

Applicant(s)

KILJANDER, HARRI

Examiner

ANDREY BELOUSOV

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 17-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in responsive to the amendment filing on 5/14/2009. Claims 1-15, and 17-29 are pending and have been considered below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 6-10, 13-15, 17, 21-23, 25-28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Task (Windows Task Manager, Copyright 1981-2001 MS Corp) in view of Next (NeXT Step 3.3 Copyright (c) 1995 by NeXT Computer, Inc.)

Claim 1, 13, 14, 15, 17, 28, 29: Task discloses a device comprising a processor configured to:

- a. receive a request for access to a menu from a user (Fig. 2-3, clicking the Application tab);
- b. compile the requested menu, said menu including a list of menu options associated with active application (Fig. 3, 4: "Running") and inactive applications (Fig. 4: "Not Responding");

- c. determine whether an application associated with a menu option is active or inactive (Fig. 3, 4: Status) and associate a corresponding status indicator with the menu option (Fig. 4: "Running", "Not Responding"); and
- d. display the list of menu options (Fig. 4), where the presentation of a particular menu option (Fig. 3, 4) includes a status indication (Fig. 4: "Running", "Not Responding") of the associated status indicator;
- e. receiving a notification of a selected one of said menu options (Fig. 4, selection of one of the applications which grays out the application icon/text); and
- f. providing access to an application associated with the selected menu option, whether said application is active or inactive (providing the option to "End Task" that particular application, Fig. 4) when selected.

However, Task does not explicitly disclose wherein the displayed status indication is non-textual. Next discloses a similar Operating System device comprising a user interface and a processor, wherein a status indication is non-textual (pg. 5, three dots.) Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include the teaching of Next in Task so as to present the status indication in a non-textual manner. One would have been motivated to combine the teachings of Next and Task, as it would have been a mere design choice to incorporate the status indication in a non-textual manner.

Claim 2, 21: Task and Next disclose a device according to claim 1. Task further discloses wherein a plurality of menu options with their corresponding non-textual status indications are presented simultaneously (Fig. 3.)

Claim 3, 22: Task and Next disclose a device according to claim 1. Task further discloses wherein the display further comprises a focus region (Fig. 3: "Inbox - Microsoft Outlook" is highlighted) and the presentation of the menu option corresponding to the position of the focus region includes the non-textual indication of associated status indicator (see Claim 1 above.)

Claim 4, 23: Task and Next disclose a device according to claim 1. Task further discloses wherein the presentation of the menu option includes an icon displayed in the list of menu options (Fig. 3.)

Claim 6, 18, 25: Task and Next disclose a device according to claim 4. Next further discloses wherein the application status is indicated by the color properties of the icon (pg. 5: white highlight indicated a 'starting up' status.)

Claim 7, 19, 26: Task and Next disclose a device according to claim 3. Next further discloses configured to produce an alert (pg. 5: white highlight) where a menu option corresponding to the position of the focus region is associated with an active status indicator (pg. 5: see Figure.)

Claim 8, 20, 27: Task and Next disclose a device according to claim 7. Next further discloses wherein an alert is produced using one or more of the following: animation of an icon, color (pg. 5: white highlight), sound or vibration (pg. 5: see Figure.)

Claim 9: Task and Next disclose a device according to claim 1. Task further discloses further comprising a user interface wherein the user interface comprises a display and a keypad (Fig. 3, keyboard is an inherent feature of a computer.)

Claim 10: Task and Next disclose a device according to claim 1. Task further discloses further configured to allow multitasking of applications (Fig. 3.)

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Task in view of Next and in further view of Gillespie et al., (2002/0191029.)

Claim 5, 24: Task and Next disclose a device according to claim 4. However, Task and Next do not explicitly disclose wherein the application status is indicated by the animation of the icon. However, Gillespie teaches a device with a user interface utilizing a visual convention of animating activated icons (par. 0060.) Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the teaching of Gillespie to the combination of Task and Next. All the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention.

6. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Task in view of Next and in further view of Shields et al., (5,910,802.)

Claim 11, 12: Task and Next discloses a device according to claim 1. However, Task and Next do not explicitly disclose that such a device is a handheld telecommunications device. Shields discloses a scaled down version of an operating system, Windows CE, which is run on a handheld telecommunications device (1:10-15; 2:43-50.) Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teaching of Task and Next to a handheld telecommunications device of Shields. Such a combination would have been obvious because the design incentives or market forces provided a reason to make an adaptation, and the invention

resulted from application of the prior knowledge, of Task and Next, in a predictable manner to a new platform (i.e. handheld) as disclosed in Shields.

Response to Arguments

7. Applicant's arguments filed 5/14/2009 have been fully considered but they are not persuasive.
8. Applicant argues that an application that is "Not Responding" is not the same as an "inactive" application. The Examiner respectfully disagrees. The distinction of whether such applications have been already activated is not within the claims, neither is a distinction of whether the "active" or "inactive" states of application is in reference to their ability (active) or inability (inactive) to respond to user action, are in the background (inactive) or foreground (active), or are currently loaded (active) or not loaded (inactive) into memory.
9. Applicant argues that an option to "End Task" a particular application does not require "access" to that particular application. The Examiner respectfully disagrees. The distinction of whether the application's own functionality is what is being accessed (e.g. application's GUI functions), or whether the application's memory and processor allocation within the OS (for a case when a non responsive application would need to be ended) is what is being accessed when the selection of one of the applications, whether active or not, allows a user access to end that particular application's memory and processor allocation.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Belousov whose telephone number is (571) 270-1695. The examiner can normally be reached on Mon-Fri (alternate Fri off) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dennis Chow can be reached on (571) 272-7767. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3800.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Steven P Sax/
Primary Examiner, Art Unit 2174

